

made by the Board of Governors, such appointees to serve until the next national convention.

"The Board of Governors shall have power (i) to appoint from its own members an executive committee of not less than eleven persons, who, when the Board of Governors is not in session, shall have and exercise all the powers of the Board of Governors, and (ii) to appoint and remove, or provide for the appointment and removal of, all officers and employees of the corporation, except the principal officer designated by the President of the United States.

"The annual meeting of the corporation shall be the national convention of delegates of the chapters, which shall be held annually on such date and at such place as may be specified by the Board of Governors. In all matters requiring a vote at the national convention, each chapter shall be entitled to not less than one vote. The number of votes which each chapter shall be entitled to cast shall be determined according to allocation by the Board of Governors, which shall be established on an equitable basis giving consideration both to the size of the membership of the chapters and to the size of the populations in the territories served by the chapters. Such allocations shall be reviewed at least every five years.

"Voting by proxy shall not be allowed at any meeting of the Board of Governors, or at the national convention, or at any meeting of the chapters: *Provided, however,* That in the event of any national emergency which in the opinion of the Board of Governors makes attendance at the national convention impossible, the Board of Governors may permit the election of Governors by proxy at the national convention."

SEC. 7. Section 8 of the Act to incorporate the American National Red Cross, approved January 5, 1905, as amended, is hereby amended to read as follows:

"SEC. 8. That the endowment fund of the American National Red Cross shall be kept and invested under the management and control of a board of nine trustees, who shall be elected from time to time by the Board of Governors under such regulations regarding terms and tenure of office, accountability, and expense as the Board of Governors shall prescribe."

SEC. 8. The corporation now existing as The American National Red Cross under the Act of January 5, 1905, as amended, shall continue as a body corporate and politic in the District of Columbia. The first national convention after the enactment of this amendatory Act shall be convened and held under rules and regulations prescribed by the governing body of the corporation as presently constituted. After such first national convention, the Board of Governors of the corporation from time to time shall constitute the associates and successors of the incorporators named in the said Act of January 5, 1905, and neither the said incorporators nor any associates or successors theretofore designated by them or by their successors shall have any powers or duties.

Approved May 8, 1947.

[CHAPTER 51]

JOINT RESOLUTION

To permit United States common communications carriers to accord free communication privileges to official participants in the world telecommunications conferences to be held in the United States in 1947.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Communications Act of 1934, as amended, or in any other provision of law

Executive committee.

Officers and employees.

National convention.

Voting.

Election of Governors by proxy.

36 Stat. 604.
36 U. S. C. § 9.

Endowment fund; trustees.

Continuation of existing corporation.
33 Stat. 599.
36 U. S. C. § 1 *et seq.*

May 13, 1947
[S. J. Res. 102]
[Public Law 48]

48 Stat. 1064.
47 U. S. C. § 609.
Post, pp. 450, 451,
454.

shall be construed to prohibit United States communication common carriers from rendering free communication services to official participants in the world telecommunications conferences to be held in the United States in 1947, subject to such rules and regulations as the Federal Communications Commission may prescribe.

Approved May 13, 1947.

[CHAPTER 52]

AN ACT

May 14, 1947
[H. R. 2157]
[Public Law 49]

To relieve employers from certain liabilities and punishments under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, and the Bacon-Davis Act, and for other purposes.

Portal-to-Portal Act
of 1947.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PART I

FINDINGS AND POLICY

52 Stat. 1060.
29 U. S. C. §§ 201-
219.
Post, p. 87.

SECTION 1. (a) The Congress hereby finds that the Fair Labor Standards Act of 1938, as amended, has been interpreted judicially in disregard of long-established customs, practices, and contracts between employers and employees, thereby creating wholly unexpected liabilities, immense in amount and retroactive in operation, upon employers with the results that, if said Act as so interpreted or claims arising under such interpretations were permitted to stand, (1) the payment of such liabilities would bring about financial ruin of many employers and seriously impair the capital resources of many others, thereby resulting in the reduction of industrial operations, halting of expansion and development, curtailing employment, and the earning power of employees; (2) the credit of many employers would be seriously impaired; (3) there would be created both an extended and continuous uncertainty on the part of industry, both employer and employee, as to the financial condition of productive establishments and a gross inequality of competitive conditions between employers and between industries; (4) employees would receive windfall payments, including liquidated damages, of sums for activities performed by them without any expectation of reward beyond that included in their agreed rates of pay; (5) there would occur the promotion of increasing demands for payment to employees for engaging in activities no compensation for which had been contemplated by either the employer or employee at the time they were engaged in; (6) voluntary collective bargaining would be interfered with and industrial disputes between employees and employers and between employees and employees would be created; (7) the courts of the country would be burdened with excessive and needless litigation and champertous practices would be encouraged; (8) the Public Treasury would be deprived of large sums of revenues and public finances would be seriously deranged by claims against the Public Treasury for refunds of taxes already paid; (9) the cost to the Government of goods and services heretofore and hereafter purchased by its various departments and agencies would be unreasonably increased and the Public Treasury would be seriously affected by consequent increased cost of war contracts; and (10) serious and adverse effects upon the revenues of Federal, State, and local governments would occur.

The Congress further finds that all of the foregoing constitutes a substantial burden on commerce and a substantial obstruction to the free flow of goods in commerce.